

# FREQUENTLY ASKED QUESTIONS

## ABOUT THE BAY DELTA CONSERVATION PLAN (BDCP) ENVIRONMENTAL IMPACT REPORT/ ENVIRONMENTAL IMPACT STATEMENT (EIR/EIS) AND TEMPORARY ENTRY PERMIT PROGRAM

### WHAT IS THE BAY DELTA CONSERVATION PLAN (BDCP)?

The Bay Delta Conservation Plan is a unique undertaking initiated and funded by public water agencies with the active participation of environmental organizations, the state and federal fishery agencies, and other state and local organizations—all of whom are deeply invested in the long-term sustainability of the Delta. The goal of the BDCP participants is to formulate a plan that could ultimately be approved by the fish agencies as a habitat conservation plan under federal law and a natural community conservation plan under state law.

### WHAT IS THE PURPOSE OF THE BDCP?

The purpose of the BDCP is to provide for the recovery of endangered and sensitive species and their habitats in the Delta in a way that also will provide for the protection and restoration of water supplies. The BDCP will:

- ▶ Identify and implement conservation strategies to improve the overall ecological health of the Delta;
- ▶ Identify and implement ecologically friendly ways to move fresh water through and/or around the Delta;
- ▶ Address toxic pollutants, invasive species, and impairments to water quality; and
- ▶ Provide a framework and funding to implement the plan over time.

### WHY DOES THE BDCP NEED AN EIR/EIS?

The state and federal agencies who are preparing this conservation plan will prepare an environmental evaluation of a range of alternative approaches to meeting BDCP goals in order to select the one that will best get the job done. This evaluation will be called an "Environmental Impact Report" under the California Environmental Quality Act (CEQA) and an "Environmental Impact Statement" under the National Environmental Protection Act (NEPA) – the federal counterpart to CEQA. Even conservation plans, although they are intended to be helpful to the environment, may have certain adverse effects that need to be evaluated and mitigated. The California Department of Water Resources (DWR) will serve as the Lead Agency, and the California Department of Fish and Game (DFG) will serve as a Responsible Agency under state law, and the National Marine Fisheries Service, U.S. Fish and Wildlife Service and the U.S. Bureau of Reclamation will serve as Co-Lead Agencies under federal law.

### WHAT IS THE PURPOSE OF THE EIR/EIS?

The EIR/EIS will:

- ▶ Fulfill the requirements of the:
  - California Environmental Quality Act (CEQA)
  - National Environmental Policy Act (NEPA)
- ▶ Describe the proposed action
- ▶ For CEQA compliance: Describe the proposed project, identify its significant environmental impacts, and develop reasonable mitigation measures and alternatives to eliminate or reduce such impacts.
- ▶ For NEPA compliance: Describe reasonable range of alternatives and mitigation that would avoid or minimize adverse impacts or enhance the environment

- ▶ Analyze the environmental effect of the proposed action and the alternatives
- ▶ Support future regulatory actions or approvals
- ▶ Serve as a decision document as well as a disclosure document

### HOW MIGHT THE EIR/EIS RELATE TO ME AS A LANDOWNER?

To support preparation of a thorough and accurate EIR/EIS, the lead agencies will research existing information and conduct field studies throughout the Delta region to gather environmental and engineering data. Where the existing information is not sufficient, they may need to contact individual landowners and seek access to their property to gather additional information.

### WHY DO YOU NEED TO ACCESS MY PROPERTY?

Access to your property may be necessary in order for engineers, biologists and surveyors to conduct the appropriate studies for the EIR/EIS. If your property is located in one of the study areas, you may receive a request from DWR to sign a Temporary Entry Permit, which will allow staff to enter your property and gather data for the Environmental Impact Report (EIR)/ Environmental Impact Statement (EIS).

### WHAT IS A TEMPORARY ENTRY PERMIT?

A Temporary Entry Permit (TEP) allows staff to enter private properties, as needed, to conduct the studies noted above. DWR will be seeking TEPs only in those cases where existing data is not sufficient to support the EIR/EIS. The TEP will be valid for the entire term of the EIR/EIS, which is three years.

### **WHY IS IT NECESSARY TO HAVE A THREE-YEAR TEP?**

Residents are being asked to sign a three-year TEP because, for planning and scheduling reasons, it is more efficient to obtain needed permits once. If it is determined that staff do need to visit your property, it may not be necessary for them to return during the three-year period. Adequate notice will be provided if and when additional studies are needed on your property.

### **WILL YOU REQUIRE CONSTANT ACCESS TO MY PROPERTY DURING THIS THREE-YEAR PERIOD?**

No. Access to your property will be needed periodically during the three-year timeframe, and you will be notified in advance each time. As an example, some wildlife in the region may be seasonal inhabitants that require study at specific times of the year. Access may be required only during these times to address these special needs. After the property is surveyed, a better estimate of timing for various studies should be available.

### **HOW MANY TIMES WILL MY PROPERTY BE ACCESSED?**

It is unknown at this time how many times each property will need to be studied. Further determinations will be made once the information from the first site visit has been evaluated. You will receive proper notice for all site visits from a DWR representative.

### **WHEN WILL THESE STUDIES BEGIN?**

The studies are anticipated to begin in early 2009. Once a TEP is in place, DWR will make every effort to provide notice to landowners two to three weeks in advance of studies. At the very least, DWR will provide residents with a minimum 48-hour notification before accessing properties.

### **WHAT IF I AM NOT AVAILABLE WHEN YOU WANT TO ACCESS MY PROPERTY?**

If you anticipate a scheduling conflict that will prohibit you or a representative from being on the property during a scheduled visit, you should notify DWR, which will make every effort to access your property at a time that is convenient.

### **WILL STUDIES BE CONDUCTED AT NIGHT?**

Because study times are dependent upon the type of species being evaluated, it is possible that staff may need to conduct wildlife studies on your property at night. Staff will make reasonable accommodations to ensure that your privacy and safety are not impacted in any way during evaluations.

### **I AM A FARMER. WILL I NEED TO MOVE ANY OF MY EQUIPMENT OR WILL MY HARVEST SCHEDULE BE IMPACTED IN ANY WAY?**

Staff will make every effort to work with landowners to access property during a time that will eliminate or minimize potential conflicts to businesses. If you are aware of potential scheduling conflicts please notify DWR so plans can be arranged to accommodate your specific needs. DWR may request your cooperation in moving farm equipment if it is located on or blocking access to a required survey site.

### **WILL RESEARCH EQUIPMENT BE PLACED ON MY PROPERTY?**

Staff may need to install monitoring wells on some properties. They will make every effort to avoid drilling in operating fields. If you have such fields, it will be important to provide DWR with a general map of your property and indicate which areas are operating. Any holes in the soil created by staff will be backfilled and the soil compacted as near as possible to the original condition.

### **WILL I BE COMPENSATED IF DAMAGE IS DONE TO MY PROPERTY DURING THESE ASSESSMENTS?**

Yes. If for some reason your property is damaged as a result of studies associated with the TEP, DWR will work with landowners to assess and resolve the issue. If warranted, you will be compensated for the damage. If you disagree with our assessment, there is an established process with the State Victim Compensation and Government Claims Board should this occur. More information on filing a claim can be found at:

<http://www.boc.ca.gov/claims/howtofile.aspx>

**To address questions residents may have about the study, the Department of Water Resources (DWR) has created this Frequently Asked Questions fact sheet.**

**If you have additional questions or comments, please e-mail [delta@water.ca.gov](mailto:delta@water.ca.gov).**

# ADDITIONAL FREQUENTLY ASKED QUESTIONS

## ABOUT THE BAY DELTA CONSERVATION PLAN (BDCP) ENVIRONMENTAL IMPACT REPORT/ ENVIRONMENTAL IMPACT STATEMENT (EIR/EIS) AND TEMPORARY ENTRY PERMIT (TEP) PROGRAM

Rev. 11/06/08

### WHAT HAPPENS IF I DON'T SIGN THE TEP?

Once you have taken some time to review the TEP, the California Department of Water Resources (DWR) would like the opportunity to answer your questions and discuss your concerns. Ultimately, the decision to sign the TEP is yours. While a legal process exists that would allow DWR access to your property should you not sign the TEP, DWR would rather not pursue that option. DWR is committed to answering your questions and working to resolve your concerns.

### WHAT HAPPENS IF YOU FIND ENDANGERED SPECIES ON MY LAND?

In most cases, the presence of protected or endangered species on private property does not require a change for existing private landowner activities, or cause additional responsibilities for the landowner. DWR's field surveys will evaluate potential impacts to species caused by potential BDCP actions. Some Delta landowners expressed concern that crop changes may constitute a land use change and therefore impact operations due to the presence of endangered species. Initial investigations, however, determined that none of the five Delta counties require permits or surveys for conversion of farmland from annual crops to permanent crops. Mitigation measures associated with BDCP would be the responsibility of the agencies proposing and implementing the plan, not any private landowner.

### WILL YOU TELL THE FISH & WILDLIFE AGENCIES THAT YOU FOUND PROTECTED OR ENDANGERED SPECIES ON MY LAND?

If survey staff sees an endangered species on your land, that observation would be reported on a database known as the Natural Diversity Database. The location of the species is not recorded in the database by parcel number, but rather by location using global positioning system (GPS) technology. There are different reporting requirements under our state and federal permits. Staff may be required to report a finding within three days or annually depending on the species/circumstances.

### CAN YOU GUARANTEE CONFIDENTIALITY AND PROVIDE ANONYMITY WITH ALL THE INFORMATION YOU FIND ON MY PROPERTY?

DWR intends to gather information necessary to evaluate the suitability of your property for project alternatives. At your request, DWR will keep information gathered from your property in confidence when possible. If DWR receives a request to disclose information, DWR will apply any provisions of law under the Public Records Act (PRA) and Information Practices Act (IPA) that allows this information to remain private. For example, PRA exempts disclosure of geological and geophysical data gathered from your property.

### WILL THE FINDINGS OF THE STUDIES CONDUCTED ON MY PROPERTY BE MADE AVAILABLE TO ME? WILL THIS INFORMATION BE USED TO JUSTIFY FARM PRACTICE CHANGES/ REGULATIONS BY ENVIRONMENTALISTS?

The survey information gathered will be summarized in a property-specific report once the conservation plan is prepared and alternatives have been selected for initial review of impacts. Upon request, the property-specific report will be provided to the specific landowners from whose property the information was obtained. The information gathered will be summarized in draft reports and summary reports for future reference. DWR does not have a role in using information for farm practice policy changes as proposed by other agencies, private industry or environmental group proposals.



**AT THE LAST ROUND OF MEETINGS WE RAISED CONCERNS REGARDING THE ACCESSIBILITY AND TRANSPARENCY OF THE BDCP PROCESS. HOW ARE THOSE CONCERNS BEING ADDRESSED?**

The BDCP steering committee meetings are open to the public and the public is encouraged to attend. The meetings are held every other Friday from 9 a.m. - noon (depending upon holiday schedules) and are now held at the California Farm Bureau Federation for easier access and more space. The new meeting location is:

California Farm Bureau Federation  
Conference Room  
2300 River Plaza Avenue  
Sacramento, CA 95833  
(916) 561-5500

**DELTA INTERESTS ARE COMPLETELY SHUT OUT OF THE BDCP. HOW CAN YOU DECIDE THE FATE OF THE DELTA WITHOUT A SINGLE DELTA REPRESENTATIVE ON THE BDCP?**

DWR needs to hear from more Delta voices at every opportunity. We are working right now with local elected officials on how best to engage them in the BDCP process, and also how best to implement public participation in their communities. The BDCP steering committee is composed of state and federal agencies, participating water districts, environmental organizations and other stakeholder organizations. The North Delta Water Agency has recently become a member of the BDCP Steering Committee and discussions with the Central Delta Water Agency, North Delta Cares and the Delta Wetlands Project are ongoing. In addition, Resources Secretary Chrisman is meeting regularly with the five Delta

Counties and Council of Governments (COGs) regarding BDCP and other related Delta programs that impact Delta interests.

We have information available on the Web site, all the meetings are open to the public, and we are planning additional meetings and presentations within communities in the coming months.

**WHAT IS THE PROBLEM YOU'RE TRYING TO SOLVE?**

The Delta is under tremendous pressure to meet competing needs. The Delta is a community, with people who raise families and earn a living. The Delta also supports people across the state, acting as the water supply hub for two-thirds of Californians. And the Delta is home to hundreds of aquatic and terrestrial species, many of which are unique to the area and several of which are threatened or endangered. The Delta of today is very different from the Delta of the past. To make matters more complicated, the Delta faces sea level rise, threat from earthquakes, continued land subsidence and higher winter flood flows. To address some of these issues, BDCP is being developed to provide for the recovery of endangered and sensitive species and their habitats in the Delta in a way that also will provide for water supply reliability.

**I RECEIVED A LETTER SAYING DWR MAY WANT TO COME ON MY PROPERTY TO DO STUDIES. THIS SEEMS LIKE A PRETEXT FOR A DONE DEAL.**

There is no "done deal." No decisions have been made. Today, we are in the process of studying various options. The draft environmental review will outline these options, and the public will have the opportunity to provide comments.

**MY FAMILY HAS BEEN FARMING THIS PROPERTY FOR SIX GENERATIONS OVER THE PAST 150+ YEARS. ARE YOU GOING TO EVALUATE THE IMPACT TO THE CULTURAL HERITAGE OF MY FAMILY FARMING OPERATION?**

Yes. The potential impacts on agricultural, cultural, and economic resources will be evaluated in the EIR/EIS.

**To address questions residents may have about the study, DWR has created these additions to the Frequently Asked Questions fact sheet.**

**If you have additional questions or comments, please e-mail [delta@water.ca.gov](mailto:delta@water.ca.gov).**